

Response to Office Action Mailed December 6, 2005

Serial No.: 10/807,883

Filed: March 24, 2004

REMARKS

The Examiner rejected Claims 18-19 and 20-21 under 35 U.S.C. §112. The Examiner rejected Claims 15-23 under 35 U.S.C. §102 as being anticipated by the STX Bionic. Reconsideration of the application as amended is respectfully requested. No new matter has been added.

35 U.S.C. §112

The Examiner rejected Claims 18 and 19 under 35 U.S.C. §112 as being indefinite because “the area” lacks antecedent basis. Accordingly, Applicant submits that this amendment resolves the issue.

The Examiner rejected Claims 20 and 21 under 35 U.S.C. §112 as being indefinite because the term “the distance at one point” is vague and indefinite. Accordingly, “a point” has been removed with the term “a portion” added.

STX Bionic and 35 U.S.C. §102

The Examiner rejected Claims 15-23 under 35 U.S.C. §102 as being anticipated by the STX Bionic. The Examiner states that the STX Bionic “has a portion of the length of the sidewall convex inwardly.” The Examiner points out that the current claim language does not include any limitations about the convex being on the interior or exterior of the sidewall. Accordingly, Applicant adds that suggested language to Claim 15. Support for this amendment is found in paragraph 30. Given that the STX Bionic has an outer edge that is convex inwardly and not an outer edge, the STX Bionic does not disclose the claimed invention. Given that the outer edge of the STX Bionic does not affect the control of the ball, Applicant submits that the STX Bionic does not teach the inner edge being convex inwardly.

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Claims 16-21 depend upon Claim 15. Because of this dependency, Claims 16-21 are allowable.

Claims 22 and 23 have been amended to require the change in shape being on the inner edge. Therefore, Applicant submits that Claims 22-23 are also allowable.

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

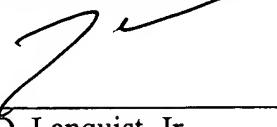
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The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,


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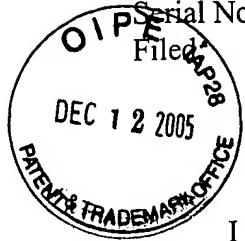
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I hereby certify that this Preliminary Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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December 6
On ~~September~~ 9, 2005.

Edward D. Lanquist, Jr.


Signature
Registration Number 33,729


Date